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FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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J. KUDO  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

HONOLULU CIVIL BEAT INC.,

Plaintiff,

vs.

DEPARTMENT OF EDUCATION,  
STATE OF HAWAII,

Defendant.

CIVIL NO. \_\_\_\_\_

(Other Civil Action)

19-1-0191-02

BIA

**COMPLAINT; SUMMONS**

JUDGE: NONE

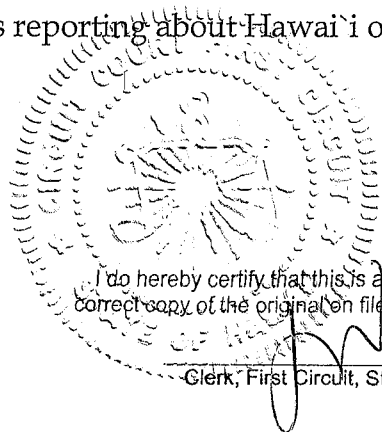
TRIAL DATE: NONE

**COMPLAINT**

Plaintiff Honolulu Civil Beat Inc. (Civil Beat or Plaintiff), for its Complaint  
against Defendant Department of Education, State of Hawai'i (DOE), alleges as follows:

**PARTIES**

1. Plaintiff Civil Beat is a news outlet registered to do business in Hawai'i as  
a nonprofit corporation and dedicated to public affairs reporting about Hawai'i on the  
Internet at civilbeat.org.



I do hereby certify that this is a full, true, and  
correct copy of the original on file in this office.

Clerk, First Circuit, State of Hawaii

2. Defendant Department of Education, State of Hawai'i is a "department" or "other instrumentality of state . . . government," within the definition of "Agency" under HRS § 92F-3, that is headquartered at 1390 Miller St., Honolulu, Hawai'i.

### **JURISDICTION AND VENUE**

3. The court has jurisdiction over this action to compel disclosure of public records under the Uniform Information Practices Act, HRS ch. 92F (UIPA), pursuant to HRS §§ 92F-15(a) and 601-21.5(3).

4. Venue is proper in this court pursuant to HRS §§ 92F-15(e) and 603-36(5) for the following reasons: the request for records was made in this circuit; upon information and belief, the requested records are maintained in this circuit; the Defendant is headquartered in this circuit; the claim for relief arose in this circuit; and the Defendant is domiciled in this circuit.

### **FACTUAL BACKGROUND**

5. HRS § 92F-11(a) provides: "All government records are open to public inspection unless access is restricted or closed by law."

6. On May 17, 2018, DOE made a presentation to the Board of Education (BOE) about recent disciplinary investigations of DOE staff, stating that DOE had 34 "closed cases" as of the end of April 2018.

7. According to the presentation, among the 34 "closed cases", DOE summarized the disposition of each case as 5 employees terminated, 3 employees suspended, 3 employees reprimanded, 1 employee required to review policies, 13 employees resigned or retired, and 9 employees returned to work.

8. On May 24, 2018, Civil Beat requested records relating to the 34 closed cases. The request specifically sought records that addressed the “[r]eason for termination, suspension, resignation or written reprimand”; “nature of the offense that gave rise to the investigation of each of those 34 cases”; and “[i]dentity of teacher/administrator and the school/grade level where they taught.”

9. On June 18, 2018, DOE answered Civil Beat’s request by providing only this summary chart. As an explanation for the denial of public access, DOE cited personal privacy and frustration of a legitimate government function.

Name	Employment Related Misconduct	Fact Finding Violation of BOE Policy	Disciplinary Action	School/Office
Barrett, Cherilynn	Failure to adhere to the May 1, 2017 Superintendent's Scope of Duties; Failure to comply with DOE Code of Conduct	305-1 Student Safety and Welfare Policy; 201-2 Accountability Policy	3-Day Suspension	Waipahu Elementary
Cece, Andrew	Violation of DOE Code of Conduct, Investigation of Suspected Violations	DOE Code of Conduct	Termination-Discharged	Kapolei High
Salomon, Shannon	Violation of DOE Code of Conduct Misconduct	201-1 Ethics and Code of Conduct; 201-2 Accountability of Employees	10-Day Suspension	Waiakea Intermediate

10. On June 26, 2018, DOE clarified that it “released information for closed cases with final decisions that either met or exceeded the 30 day period pursuant to HRS 92F-14(b)(4)(B). With respect to the other decisions you mentioned in your e-mail, they either did not meet the 30 day period, or the employees may be appealing the decision.”

11. On October 2, 2018, Civil Beat sent a letter to DOE Superintendent Christina Kishimoto, contesting the decision to provide only a summary chart of information rather than records; renewing its records request for the 34 closed cases; and asking for "a tailored explanation for each record request, not a generic and conclusory reference to privacy and frustration."

12. On October 29, 2018, DOE provided Civil Beat with files containing heavily redacted records for five cases pertaining to DOE investigations of Michael Wright, Andrew Cece, Lora Dunham, Shannon Salomon, and Cherilynn Barrett.

13. DOE stated that it withheld from the files "home addresses, information that identify student(s), and information that does not respond to HRS §92F-14(b)(4)(B)."

14. Civil Beat is not seeking home addresses, direct contact information for any individual, or the identity of any DOE student.

**COUNT I  
FAILURE TO DISCLOSE THE FULL DISCIPLINARY RECORD  
OF MICHAEL WRIGHT**

15. The foregoing paragraphs are realleged and incorporated by reference.

16. On September 13, 2016, DOE employee Michael Wright was indicted and charged with five counts of sex assault involving a minor.

17. On January 11, 2018, Michael Wright was found guilty on one count of first-degree sex assault and two counts of third-degree sex assault.

18. On March 15, 2018, Michael Wright was sentenced to twenty years in jail.

19. On October 29, 2018, DOE provided Civil Beat with a letter, dated September 21, 2018, from Superintendent Kishimoto to Michael Wright.

20. The September 21, 2018 letter reflects that DOE did not accept Wright's separation from service as tendered on May 16, 2018, and that instead DOE terminated Wright, effective July 16, 2018, on the basis of being "unsuitable for working in close proximity to children."

21. The September 21, 2018 letter explains that Wright's records will indicate that in addition to being terminated for "being unsuitable for working in close proximity to children," he also was terminated for "unauthorized absence from work"; "misrepresentation of the reason for extending [his] Leave Without Pay"; and "violation of the Department's Code of Conduct, Section B- Honesty."

22. The September 21, 2018 letter contains block redactions without adequate justifications.

23. The September 21, 2018 letter contains no details or explanation of the reasons DOE found Michael Wright unsuitable to work with children.

24. On November 23, 2018, Civil Beat again asked DOE to reconsider its refusal to provide information specifically about Michael Wright's misconduct that was the basis for his termination.

25. On December 6, 2018, DOE disclosed a heavily redacted July 6, 2018 letter that references Wright's conviction.

26. DOE's only justification for the block redactions on the July 6, 2018 letter was that the information "falls outside of HRS §92F-14(b)(4)(B) and has been redacted pursuant to HRS §92F-13(1)."

27. The mandatory disclosure provision of HRS § 92F-14(b)(4)(B) requires disclosure of employment-related misconduct that results in termination or suspension, including both on-duty conduct and off-duty conduct that bears on the employee's fitness to perform employment duties.

28. The fact that information is not covered by the mandatory disclosure provision of HRS § 92F-14(b)(4)(B) is not a basis for withholding government records from the public.

29. To justify withholding information under the privacy exception (HRS § 92F-13(1)), DOE must prove that an individual—presumably Michael Wright—has a significant privacy interest in the information withheld and that the public interest in that information does not outweigh the individual's significant privacy interest.

30. DOE failed its burden to articulate the privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

31. DOE has denied Civil Beat its right to access the full disciplinary record of Michael Wright pursuant to the UIPA.

32. Civil Beat is entitled to an order requiring DOE to disclose all records concerning the allegations, including DOE's findings and conclusions, that led to Michael Wright's termination.

**COUNT II**  
**FAILURE TO DISCLOSE THE FULL DISCIPLINARY RECORD**  
**OF ANDREW CECE**

33. Paragraphs 1-14 are realleged and incorporated by reference.

34. On October 29, 2018, DOE provided Civil Beat with a two-page "TTAA-JROTC Status Form Notice to Employee," dated October 10, 2017, about DOE employee Andrew Cece and page 24 (labeled Conclusions) of a redacted unnamed document signed by DOE investigator Nicole Isa-Iijima.

35. The October 10, 2017 notice reflects that following an investigation, DOE found "sufficient reason(s) for immediate dismissal."

36. The October 10, 2017 notice was based on an investigation report; statements made at the post-investigation meeting; several forms; a superintendent's memorandum regarding JROTC organization, roles, and responsibilities; and Cece's refusal to cooperate in the investigation.

37. Attached to the October 10, 2017 Notice was one page titled, "Conclusions", marked as page 24 of an otherwise unspecified document.

38. The partially redacted Conclusion No. 1 in the unnamed document finds that Cece looked at a student in the JROTC classroom who was changing into a JROTC uniform, in violation of the Code of Conduct and BOE Policy No. 305-1 (concerning Student Safety and Welfare).

39. DOE redacted the student's gender pronouns (*e.g.*, he/she) in Conclusion No. 1.

40. The heavily redacted Conclusion No. 2 in the unnamed document finds that Cece said something (redacted) to a student when the student complained about something (redacted), in violation of the Code of Conduct and BOE Policy No. 305-1 (concerning Student Safety and Welfare).

41. DOE redacted the school year, what the student complained about, and what Cece said to the student in Conclusion No. 2.

42. The partially redacted Conclusion No. 3 in the unnamed document finds that Cece asked a student what the student was doing later, telling the student that he had drinks in his car and that they should “go drink and have fun” and touching the student in the chest area or otherwise engaging in inappropriate conduct with students, in violation of the Code of Conduct and BOE Policy Nos. 305-10 (concerning Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Students by Employees) and 305-1 (concerning Student Safety and Welfare).

43. DOE redacted the student’s gender pronouns (*e.g.*, he/she) in Conclusion No. 3.

44. On November 8, 2018, Civil Beat again asked DOE to reconsider its refusal to provide more information specifically about Andrew Cece’s misconduct that was the basis for his termination.

45. On December 6, 2018, DOE disclosed an August 31, 2017 letter from the Kapolei High School principal to the DOE Director of the Civil Rights Compliance Office, attaching a heavily redacted investigation report of Cece’s conduct; DOE also disclosed some of the exhibits attached to the investigation report.



46. Without providing any justification, DOE stated that it redacted all “witness statements or portions of statements that identify witnesses/students” in its investigation report for Andrew Cece.

47. There is no justification for redacting the entirety of witness statements from an employee misconduct investigation report.

48. There is no justification for redacting gender pronouns in Conclusion Nos. 1 and 3 to the investigation report of Cece’s conduct.

49. DOE failed its burden to articulate any privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

50. DOE has denied Civil Beat its right to access the full disciplinary record of Andrew Cece pursuant to the UIPA.

51. Civil Beat is entitled to an order requiring DOE to disclose all records concerning the allegations, including DOE’s findings and conclusions, that led to Andrew Cece’s termination.

**COUNT III  
FAILURE TO DISCLOSE THE FULL DISCIPLINARY RECORD  
OF LORA DUNHAM**

52. Paragraphs 1-14 are realleged and incorporated by reference.

53. On October 29, 2018, DOE provided Civil Beat with a heavily redacted two-page December 5, 2017 Last Chance Agreement, signed by DOE Superintendent Christina Kishimoto, Hawai’i State Teachers Association (HSTA) representative Jodi Paris, and DOE employee Lora Dunham.

54. The December 5, 2017 Last Chance Agreement reflects that DOE suspended Dunham for 20 working days without pay.

55. Paragraph 2 of the December 5, 2017 Last Chance Agreement directs Dunham to “never again engage in classroom behavior that involves physical contact with students as a means to focus or refocus a student’s attention in class.”

56. Paragraph 3 of the December 5, 2017 Last Chance Agreement directs Dunham to refer a student to a counselor or administrator when a student with a learning disability displays behavior that interferes with the learning process.

57. The redacted December 5, 2017 Last Chance Agreement does not provide any details of the nature of the misconduct giving rise to Dunham’s suspension.

58. The fact that information is not covered by the mandatory disclosure provision of HRS § 92F-14(b)(4)(B) is not a basis for withholding government records from the public.

59. To justify withholding information under the privacy exception (HRS § 92F-13(1)), DOE must prove that an individual – presumably Lora Dunham – has a significant privacy interest in the information withheld and that the public interest in that information does not outweigh the individual’s significant privacy interest.

60. DOE failed its burden to articulate the privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

61. DOE has denied Civil Beat its right to access the full disciplinary record of Lora Dunham pursuant to the UIPA.

62. Civil Beat is entitled to an order requiring DOE to disclose all records concerning the allegations, including DOE's findings and conclusions, that led to Lora Dunham's suspension.

**COUNT IV  
FAILURE TO DISCLOSE THE FULL DISCIPLINARY RECORD  
OF SHANNON SALOMON**

63. Paragraphs 1-14 are realleged and incorporated by reference.

64. On October 29, 2018, DOE provided Civil Beat with a heavily redacted two-page February 9, 2018 letter titled "RE: Recommendation for Termination" from Superintendent Kishimoto to DOE employee Shannon Salomon.

65. The February 9, 2018 letter reflects that DOE suspended Salomon without pay for 10 working days, concluding that Salomon engaged in misconduct in violation of the Code of Conduct and BOE Policy Nos. 201-1 (concerning Ethics and Code of Conduct) and 201-2 (concerning Accountability of Employees).

66. The redacted February 9, 2018 letter does not provide any details of the nature of the misconduct giving rise to Salomon's suspension.

67. The fact that information is not covered by the mandatory disclosure provision of HRS § 92F-14(b)(4)(B) is not a basis for withholding government records from the public.

68. To justify withholding information under the privacy exception (HRS § 92F-13(1)), DOE must prove that an individual — presumably Shannon Salomon — has a significant privacy interest in the information withheld and that the public interest in that information does not outweigh the individual's significant privacy interest.

69. DOE failed its burden to articulate the privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

70. DOE has denied Civil Beat its right to access the full disciplinary record of Shannon Salomon pursuant to the UIPA.

71. Civil Beat is entitled to an order requiring DOE to disclose all records concerning the allegations, including DOE's findings and conclusions, that led to Shannon Salomon's suspension.

**COUNT V  
FAILURE TO DISCLOSE THE FULL DISCIPLINARY RECORD  
OF CHERILYNN BARRETT**

72. Paragraphs 1-14 are realleged and incorporated by reference.

73. On October 29, 2018, DOE provided Civil Beat with a four-page March 28, 2018 letter from Complex Area Superintendent Clayton Kaninau to DOE employee Cherilynn Barrett.

74. The March 28, 2018 letter reflects that DOE suspended Barrett for three days without pay, concluding that Barrett failed to adhere to the May 1, 2017 Superintendent's Scope of Duties Memorandum (concerning corporeal punishment, strip searches, and inappropriate and/or sexual relations and/or dating of students) and violated the Code of Conduct and BOE Policy Nos. 305-1 (concerning Student Safety and Welfare) and 201-2 (concerning Accountability of Employees).

75. Page 2 of the March 28, 2018 letter states that Barrett admitted unprofessional behavior including yelling at a student and physical contact with a student.

76. The redacted March 28, 2018 letter does not provide any details of the nature of the misconduct giving rise to Barrett's suspension.

77. The fact that information is not covered by the mandatory disclosure provision of HRS § 92F-14(b)(4)(B) is not a basis for withholding government records from the public.

78. To justify withholding information under the privacy exception (HRS § 92F-13(1)), DOE must prove that an individual—presumably Cherilynn Barrett—has a significant privacy interest in the information withheld and that the public interest in that information does not outweigh the individual's significant privacy interest.

79. DOE failed its burden to articulate the privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

80. DOE has denied Civil Beat its right to access the full disciplinary record of Cherilynn Barrett pursuant to the UIPA.

81. Civil Beat is entitled to an order requiring DOE to disclose all records concerning the allegations, including DOE's findings and conclusions, that led to Cherilynn Barrett's suspension.

**COUNT VI  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 1**

82. Paragraphs 1-14 are realleged and incorporated by reference.

83. On November 7, Civil Beat again asked DOE to reconsider its refusal to provide any information about the 29 other DOE employees identified in the BOE presentation as "closed cases" in March 2018.

84. On November 21, 2018, DOE stated that “With respect to the 29 cases in which further information was not provided, 3 are pending a final decision. The remaining cases fall outside of HRS 92F 14(b)(4)(B) and were withheld under 92F-13(1).”

85. On November 23, 2018, Civil Beat again asked for a tailored balancing of privacy and public interests for each of the 29 cases.

86. On December 10, 2018, DOE stated that it would withhold the entirety of any “[r]ecords relating to employees that were not suspended or terminated” under the privacy exception.

87. The fact that information is not covered by the mandatory disclosure provision of HRS § 92F-14(b)(4)(B) is not a basis for withholding government records from the public.

88. To justify withholding information under the privacy exception (HRS § 92F-13(1)), DOE must prove that an individual—presumably the employee—has a significant privacy interest in the information withheld and that the public interest in that information does not outweigh the individual’s significant privacy interest.

89. DOE failed its burden to articulate the privacy interest at issue, the nature of the information withheld, or weigh the public interest in disclosure.

90. DOE has denied Civil Beat its right to access the disciplinary record of Unknown Employee No. 1 pursuant to the UIPA.

91. Civil Beat is entitled to an order requiring DOE to disclose disciplinary records concerning the allegations, including DOE’s findings and conclusions, against Unknown Employee No. 1.

**COUNT VII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 2**

92. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

93. DOE has denied Civil Beat its right to access the disciplinary record of Unknown Employee No. 2 pursuant to the UIPA.

94. Civil Beat is entitled to an order requiring DOE to disclose disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 2.

**COUNT VIII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 3**

95. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

96. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 3 pursuant to the UIPA.

97. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 3.

**COUNT IX**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 4**

98. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

99. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 4 pursuant to the UIPA.

100. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 4.

**COUNT X**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 5**

101. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

102. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 5 pursuant to the UIPA.

103. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 5.

**COUNT XI**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 6**

104. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

105. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 6 pursuant to the UIPA.

106. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 6.

**COUNT XII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 7**

107. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.



108. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 7 pursuant to the UIPA.

109. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 7.

**COUNT XIII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 8**

110. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

111. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 8 pursuant to the UIPA.

112. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 8.

**COUNT XIV**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 9**

113. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

114. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 9 pursuant to the UIPA.

115. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 9.

**COUNT XV**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 10**

116. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

117. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 10 pursuant to the UIPA.

118. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 10.

**COUNT XVI**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 11**

119. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

120. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 11 pursuant to the UIPA.

121. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 11.

**COUNT XVII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 12**

122. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

123. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 12 pursuant to the UIPA.

124. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 12.

**COUNT XVIII  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 13**

125. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

126. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 13 pursuant to the UIPA.

127. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 13.

**COUNT XIX  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 14**

128. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

129. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 14 pursuant to the UIPA.

130. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 14.

**COUNT XX  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 15**

131. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

132. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 15 pursuant to the UIPA.

133. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 15.

**COUNT XXI**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 16**

134. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

135. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 16 pursuant to the UIPA.

136. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 16.

**COUNT XXII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 17**

137. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

138. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 17 pursuant to the UIPA.

139. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 17.

**COUNT XXIII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 18**

140. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

141. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 18 pursuant to the UIPA.

142. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 18.

**COUNT XXIV**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 19**

143. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

144. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 19 pursuant to the UIPA.

145. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 19.

**COUNT XXV**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 20**

146. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

147. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 20 pursuant to the UIPA.

148. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 20.

**COUNT XXVI  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 21**

149. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

150. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 21 pursuant to the UIPA.

151. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 21.

**COUNT XXVII  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 22**

152. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

153. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 22 pursuant to the UIPA.

154. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 22.

**COUNT XXVIII  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 23**

155. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

156. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 23 pursuant to the UIPA.

157. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 23.

**COUNT XXIX**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 24**

158. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

159. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 24 pursuant to the UIPA.

160. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 24.

**COUNT XXX**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 25**

161. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

162. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 25 pursuant to the UIPA.

163. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 25.

**COUNT XXXI**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 26**

164. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

165. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 26 pursuant to the UIPA.

166. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 26.

**COUNT XXXII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 27**

167. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

168. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 27 pursuant to the UIPA.

169. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 27.

**COUNT XXXIII**  
**FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY**  
**OF UNKNOWN EMPLOYEE NO. 28**

170. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

171. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 28 pursuant to the UIPA.



172. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 28.

**COUNT XXXIV  
FAILURE TO DISCLOSE THE DISCIPLINARY RECORD AND IDENTITY  
OF UNKNOWN EMPLOYEE NO. 29**

173. Paragraphs 1-14 and 83-89 are realleged and incorporated by reference.

174. DOE has denied Civil Beat its right to access the full disciplinary record of Unknown Employee No. 29 pursuant to the UIPA.

175. Civil Beat is entitled to an order requiring DOE to disclose all disciplinary records concerning the allegations, including DOE's findings and conclusions, against Unknown Employee No. 29.

**DEMAND FOR RELIEF**

Based on the foregoing, Plaintiffs respectfully request that this court:

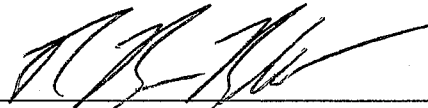
A. Give precedence, in accordance with HRS § 92F-15(f), to this case on the docket over all other cases, assign it for hearing and trial or for argument at the earliest practicable date, and expedite it in every way;

B. Enter an order requiring Defendant to disclose all information Civil Beat sought in the May 24, 2018 request for records, including, but not limited to the disciplinary files of Michael Wright, Andrew Cece, Lora Dunham, Shannon Salomon, Cherilynn Barrett, and Unknown Employee Nos. 1-29.

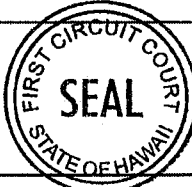
C. Award Civil Beat reasonable attorney's fees and all other expenses reasonably incurred in the litigation, pursuant to HRS § 92F-15(d); and

D. Grant such other and further relief as it deems reasonable and just.

DATED: Honolulu, Hawai'i, February 4, 2019

A handwritten signature in black ink, appearing to read 'R. B. Black', is written over a horizontal line.

ROBERT BRIAN BLACK  
LISA EMILY ENGBRETSSEN  
*Attorneys for Plaintiff*

<b>STATE OF HAWAII</b> CIRCUIT COURT OF THE FIRST CIRCUIT	<b>SUMMONS</b> <b>TO ANSWER CIVIL COMPLAINT</b>	CASE NUMBER <b>19-1-0191-02</b>
PLAINTIFF,  HONOLULU CIVIL BEAT INC.	VS.	DEFENDANT.  DEPARTMENT OF EDUCATION, STATE OF HAWAII
PLAINTIFF'S ADDRESS (NAME, ADDRESS, TEL. NO.) Robert Brian Black Civil Beat Law Center for the Public Interest 700 Bishop Street, Suite 1701 Honolulu, HI 96813 (808) 531-4000		
<p><b>TO THE ABOVE-NAMED DEFENDANT(S)</b></p> <p>You are hereby summoned and required to file with the court and serve upon          Robert Brian Black</p> <hr/> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith          served upon you, within 20 days after service of this summons upon you, exclusive of the date of          service. If you fail to do so, judgment by default will be taken against you for the relief demanded          in the complaint.</p> <p style="text-align: center; margin-top: 20px;"><b>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN          10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL          PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS,          IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING          THOSE HOURS.</b></p> <p style="text-align: center; margin-top: 20px;"><b>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY          OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING          PERSON OR PARTY.</b></p>		
DATE ISSUED  <b>FEB 04 2019</b>	CLERK  <div style="text-align: center;"> <b>J. KUBO</b>  </div>	
I do hereby certify that this is full, true, and correct copy of the original on file in this office	Circuit Court Clerk	



In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration Office at PHONE NO. 539-4333, FAX 539-4322, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.